

**PROCEDURE 10. UNDISCLOSED PARTICIPATION
IN ORGANIZATIONS**

A. APPLICABILITY

This procedure applies to **participation by** employees of DoD intelligence components in any organization within the United States, or any organization outside the United States that constitutes a United States person, when such participation is on behalf of any entity of the intelligence community. These procedures do not apply to participation in organizations for solely personal purposes.

B. EXPLANATION OF UNDEFINED TERMS

1. Domestic activities refers to activities that take place within the United States that do not involve a significant **connection** with a foreign power, organization or person.

2. The term organization includes corporations and other commercial organizations, academic institutions, **clubs**, professional societies) associations, and any other group whose existence is formalized in some manner or otherwise functions on a continuing basis.

3. An organization within the United States means all organizations physically located within the geographical boundaries of the United States whether or not they constitute a United States persons. Thus, a branch, subsidiary, or office of an organization within the United States, which is physically located outside the United States, is not considered as an organization within the United States.

4. Participation refers to any action undertaken within the structure or framework of the-organization involved. Such actions include serving as a representative or agent of the organization; acquiring membership; attending meetings not open to the public, including social functions for the organization as a whole; carrying out the work or functions of the organization; and contributing funds to the organization other than in **payment** for goods or services. Actions taken outside the organizational framework, however, do not constitute participation. Thus, attendance at meetings or social gatherings which involve organization" members but are not functions or activities of the the organization itself does not constitute participation.

5. Participation is on behalf of an agency within the intelligence community when an employee is tasked or requested to take action within an organization for the benefit of such agency. Such employee may already be a member of the organization or may be asked to join. Actions undertaken for the benefit of an intelligence agency include collecting information, identifying potential sources or contacts, or establishing and maintaining **cover**. If a cooperating source furnishes information to an intelligence agency which he or she obtained by participation within an organization? but was not given Prior direction or tasking by the intelligence agency to collect such information, then such participation was not on behalf of such agency.

6. Participation is solely for personal purposes, if **undertaken** at the initiative and expense of the employee for the employee's benefit.

C. PROCEDURES FOR UNDISCLOSED PARTICIPATION

Except as permitted herein, employees of DoD intelligence components may participate **on** behalf of such components in organizations within the United States, or in organizations **outside the** United States that constitute United States persons, only if their affiliation with the intelligence component concerned is disclosed to an appropriate official of the organization in accordance with section D., above. Participation without such disclosure is permitted only if it is consistent with the limitations set forth in subsection C.I., below, and has been approved in accordance with subsection C.Z., below.

1. Limitations on undisclosed participation.

a. Lawful purpose. No undisclosed participation shall be permitted under this procedure unless it is essential to achieving a lawful foreign intelligence or counterintelligence purpose within the assigned mission of the collecting DoD intelligence component.

b. Limitations on use of undisclosed participation for foreign intelligence purposes within the United States. Undisclosed participation may not be authorized within the United States for the purpose of collecting foreign intelligence from or about a United States person, nor to collect information necessary to assess United States persons as potential sources of assistance to foreign intelligence activities. This does not preclude the collection of information about such persons, volunteered by cooperating sources participating in organizations to which such persons belong, however, if otherwise permitted by Procedure 2.

c. Duration of Participation. Authorization to participate under **paragraph C.2.a.** and b. shall be limited to the period covered by such participation which shall be **no** longer than 12 months. Participation which lasts longer than 12 months shall be **reapproved** by the appropriate official on an annual basis in accordance with this procedure.

d. Participation for the purpose of influencing the activities of the organization or its members. No participation under this procedure shall be authorized for the purpose of influencing the activities of the organization in question, or its members, unless such participation is undertaken on behalf of the FBI in the course of a lawful investigation, or the organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power. Any DoD intelligence component that desires to undertake participation for such purpose shall forward its request to the Deputy Under Secretary of Defense (Policy) setting forth the relevant facts justifying such participation and explaining the nature of its contemplated activity. Such participation ☐ maybe approved by the DUSD(P) with the concurrence of the General Counsel, DoD.

2. Required Approvals

a. Undisclosed participation that may be approved within the DoD intelligence component. Undisclosed participation on behalf of a DoD intelligence component may be authorized within such component under the following circumstances:

(1) Participation in meetings open to the public. For purposes of this section, a seminar or conference sponsored by a professional organization that is open to persons of a particular profession whether or not they are members of the organization itself or have received a special invitation, shall be considered a meeting open to the public.

(2) Participation in organizations that permit other persons acknowledged to the organization to be employees of the U.S. Government to participate.

(3) Participation in educational or professional organizations for the purpose of enhancing the professional skills, knowledge, or capabilities of employees.

(4) Participation in seminars, forums, conferences, exhibitions, trade fairs, workshops, symposiums, and similar types of meetings, sponsored by organizations in which the employee is a member, has been invited to participate, or when the sponsoring organization does not require disclosure of the participants' employment affiliations, for the purpose of collecting significant foreign intelligence that is generally made available to participants at such meetings, and does not involve the domestic activities of the organization or its members.

b. Participation that may be approved by senior intelligence officials. Undisclosed participation may be authorized by the Deputy Under Secretary of Defense (Policy); the Director, Defense Intelligence Agency; the Assistant Chief of Staff for Intelligence, Department of Army; the Commanding General, U.S. Army Intelligence and Security Command; the Director of Naval Intelligence; the Director of Intelligence, U.S. Marine Corps; the Assistant Chief of Staff, Intelligence, United States Air Force; the Director, Naval Investigative Service; the Commanding Officer, Air Force Office of Special Investigations; or their single designees, for the following purposes:

(1) To collect significant foreign intelligence outside the United States, or from or about other than United States persons within the United States, provided no information involving the domestic activities of the organization or its members may be collected.

(2) For counterintelligence purposes, at the written request of the Federal Bureau of Investigation.

(3) To collect significant counterintelligence about other than United States persons, or about United States persons who are within the investigative jurisdiction of the Department of Defense, provided any such participation that occurs within the United States shall be coordinated with the Federal Bureau of Investigation.

(4) To collect information necessary to identify and assess other than United States persons as potential sources of assistance for foreign intelligence and counterintelligence activities.

(5) To collect information necessary to identify United States persons as potential sources of assistance to foreign intelligence and counterintelligence activities.

(6) To develop or maintain cover necessary for the **security of** foreign intelligence or counterintelligence activities.

(7) Outside the United States, to assess United States persons as potential sources of assistance to foreign intelligence and counterintelligence activities.

D. DISCLOSURE REQUIREMENT

1. Disclosure of the intelligence affiliation of an employee of a DoD intelligence component shall be made to an executive officer of **the** organization **in question, or to an official in charge of membership, attendance or the** records of the organization concerned.

2. Disclosure may be made by the DoD intelligence component involved, an authorized DoD official, or by another component of the Intelligence Community that **is** otherwise authorized to take such action on behalf of the DoD intelligence component concerned.